



APPLICATION ACCEPTED: August 21, 2012  
BOARD OF ZONING APPEALS: October 31, 2012  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

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October 24, 2012

### STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SP 2012-LE-053**

**Concurrent with VC 2012-LE-004**

### LEE DISTRICT

**APPLICANT:** Jaime O. Reyes

**OWNERS:** Jaime O. Reyes  
Elsa M. Reyes

**SUBDIVISION:** Valley View

**STREET ADDRESS:** 3426 Spring Drive, Alexandria, 22306

**TAX MAP REFERENCE:** 92-2 ((19)) 177

**LOT SIZE:** 14,000 square feet

**ZONING DISTRICT:** R-2

**ZONING ORDINANCE PROVISIONS:** 8-914 & 18-401

**SPECIAL PERMIT PROPOSAL:** To permit reduction to minimum yard requirements based on error in building location to permit accessory structure to remain 6.6 feet from a side lot line and 11.8 feet from the rear lot line.

**VARIANCE PROPOSAL:** To permit greater than 25 percent front yard coverage.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

O:\dhedri\Special Permits\10-31\ SP 2012-LE-053 & VC 2012-LE-004 Reyes (error & coverage)\SP 2012-LE-053 & VC 2012-LE-004 staff report.doc  
Deborah Hedrick

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



# Special Permit

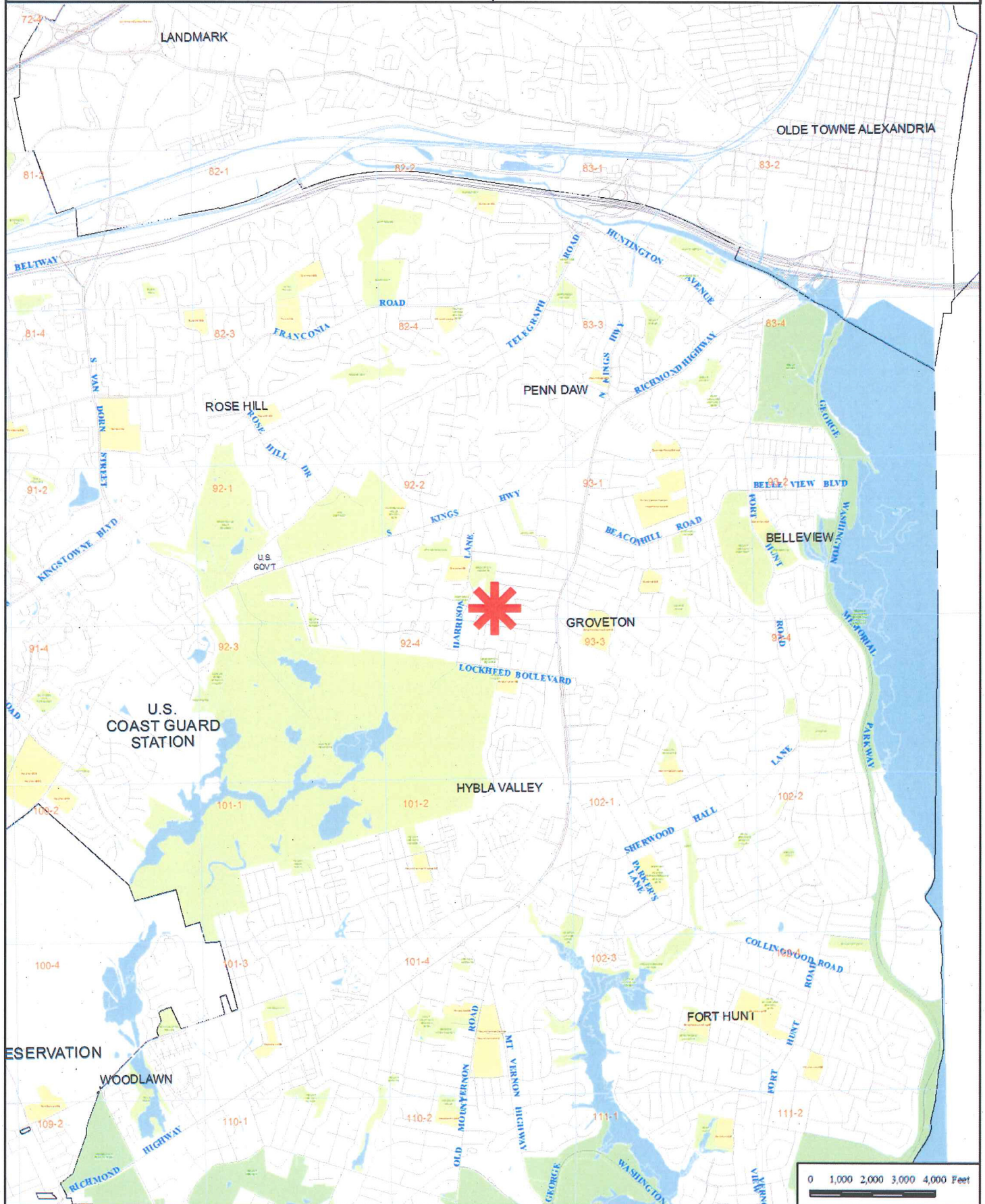
SP 2012-LE-053

JAIME REYES

# Variance Application

VC 2012-LE-004

JAIME REYES

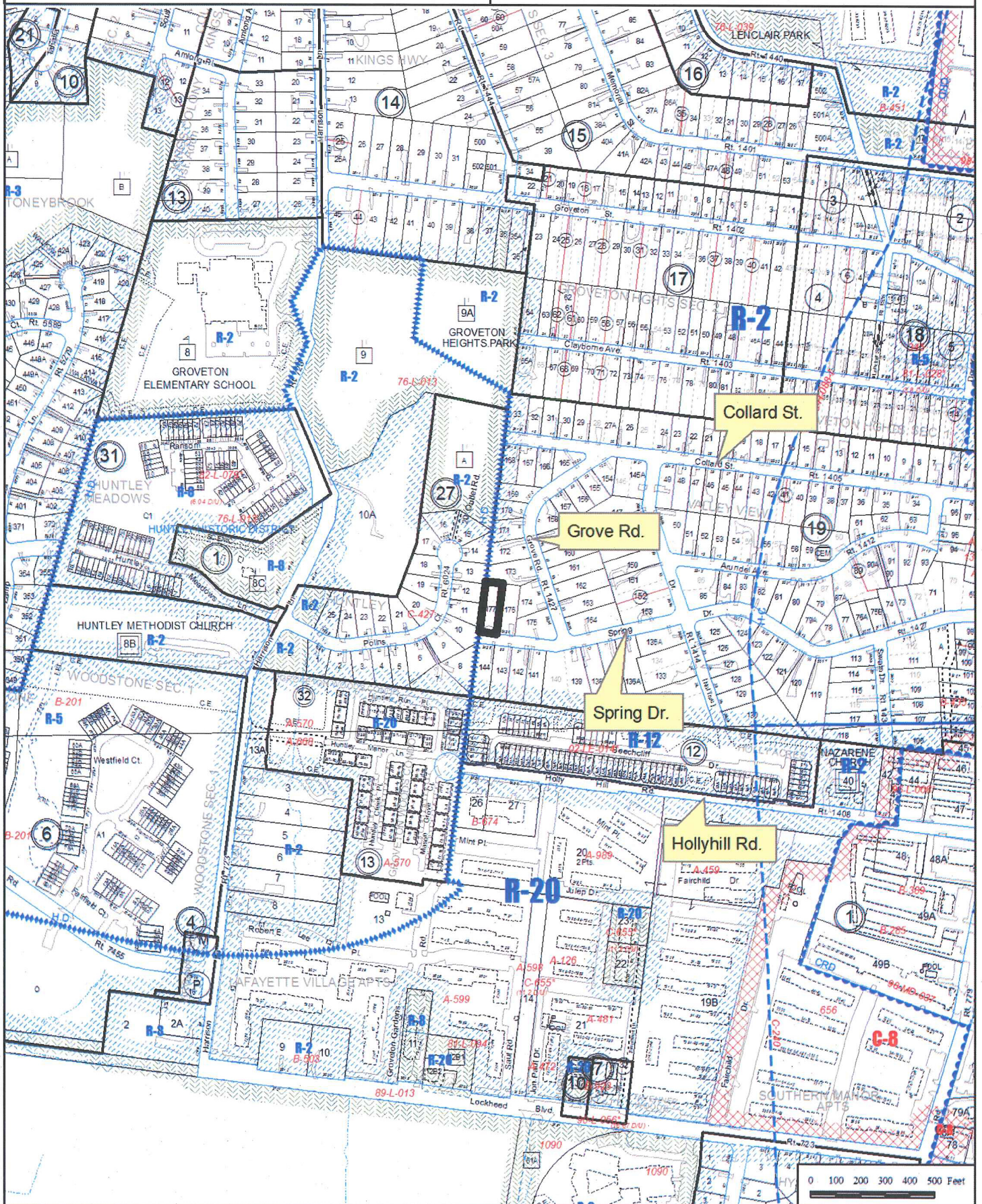




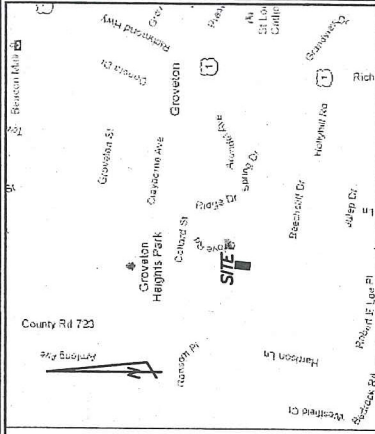
JAIME REYES

VC 2012-LÊ-004

JAIME REYES





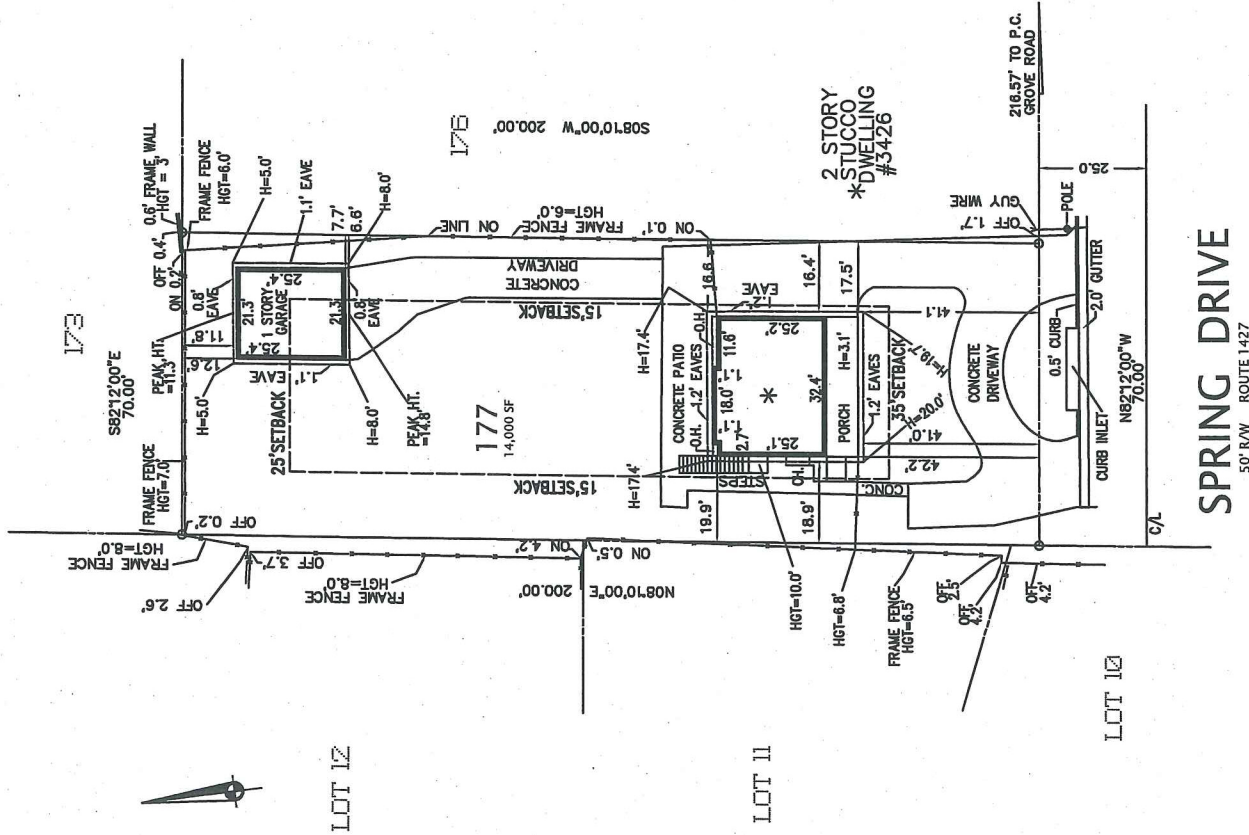


VICINITY MAP  
SCALE: 1" = 1000'



NOTES:

1. THE PROPERTY DELINEATED HEREON IS LOCATED ON FAIRFAX COUNTY TAX ASSESSMENT MAP #092-2-(19)-0177 AND IS ZONED R-2 (2 LOTS PER ACRE). THIS SITE CONTAINS 14,000 SQUARE FEET.
2. THIS PLAT IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS OR OTHER INTERESTS OF THE COUNTY REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SHOWN HEREON.
4. OWNER: REYES, JAMIE AND ELSA  
3426 SPRING DR  
ALEXANDRIA, VA 22306.
5. LOT ZONING R-2:  
FRONT = 35'  
SIDE = 15'  
REAR = 25'
6. THIS SITE HAS PUBLIC SEWER AND WATER. WELL AND SEPTIC DO NOT EXIST ON THIS SITE.
7. NO GRAVES ARE LOCATED ON THIS SITE.
8. NO UTILITY EASEMENTS ON THIS SITE.
9. LOT IS NOT LOCATED WITHIN A RESOURCE PROTECTION AREA (RPA) OR FLOOD PLAIN.
10. THERE ARE NO HAZARDOUS OR TOXIC SUBSTANCES ON OR NEAR THIS PROPERTY AS DESCRIBED IN TITLE 40 CODE OF FEDERAL REGULATIONS PARTS 116.4, 302.4 AND 355 OR OTHER STATE OR LOCAL REGULATIONS.
11. THE LOT CONFORMS TO THE PROVISIONS OF ALL APPLICABLE CODES OR ORDINANCES AND REGULATIONS (EXCEPT NO.11 BELOW).
12. PURPOSE: ALLOW MORE THAN 25% OF PERMITTED ACCESSORY/DRIVEWAY PER PARAGRAPH 15 OF SECTION 10-102 COUNTY CODE.  
AREA OF IMPERVIOUS FRONT YARD=1385 SQ.FT (48%)  
AREA OF PERVIOUS FRONT YARD=1488 SQ.FT (52%)



SPRING DRIVE  
50' R/W ROUTE 1427

LOT 10

LOT 11

LOT 12

SPECIAL PERMIT PLAT  
ON  
LOT 177  
VALLEY VIEW

LEE DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1" = 20'  
DATE: JUNE 25, 2012



ALEXANDRIA SURVEYS, LLC  
3949 PENDER DRIVE, STE #105 FAIRFAX, VIRGINIA 22030  
TEL. NO. 703-660-6615 FAX NO. 703-768-7764



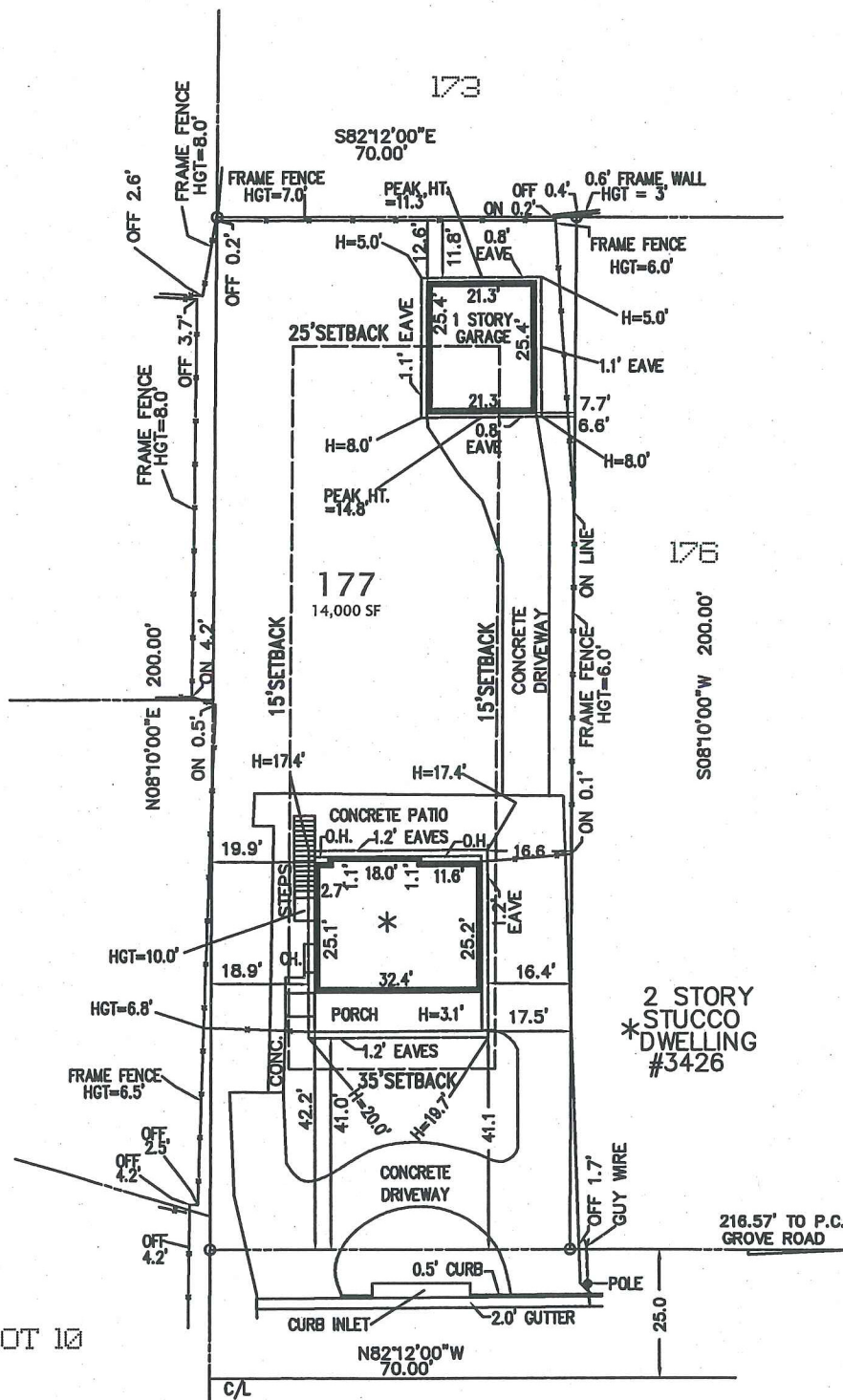
LOT 12

LOT 11

LOT 10

# SPRING DRIVE

50' R/W ROUTE 1427



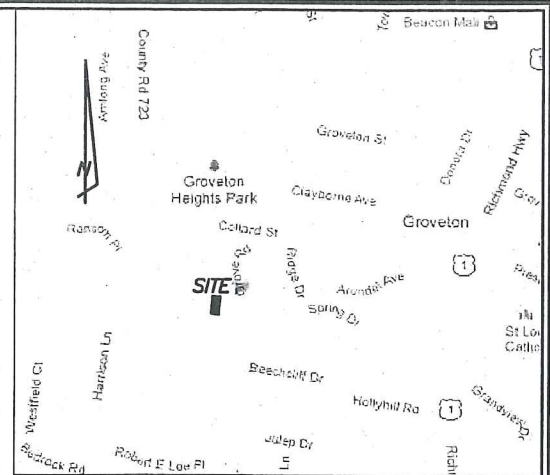
## NOTES :

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**VICINITY MAP**  
SCALE: 1" = 1000'



**SPECIAL PERMIT PLAT**  
**ON**  
**LOT 177**  
**VALLEY VIEW**

LEE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

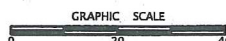
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DATE: JUNE 25, 2012

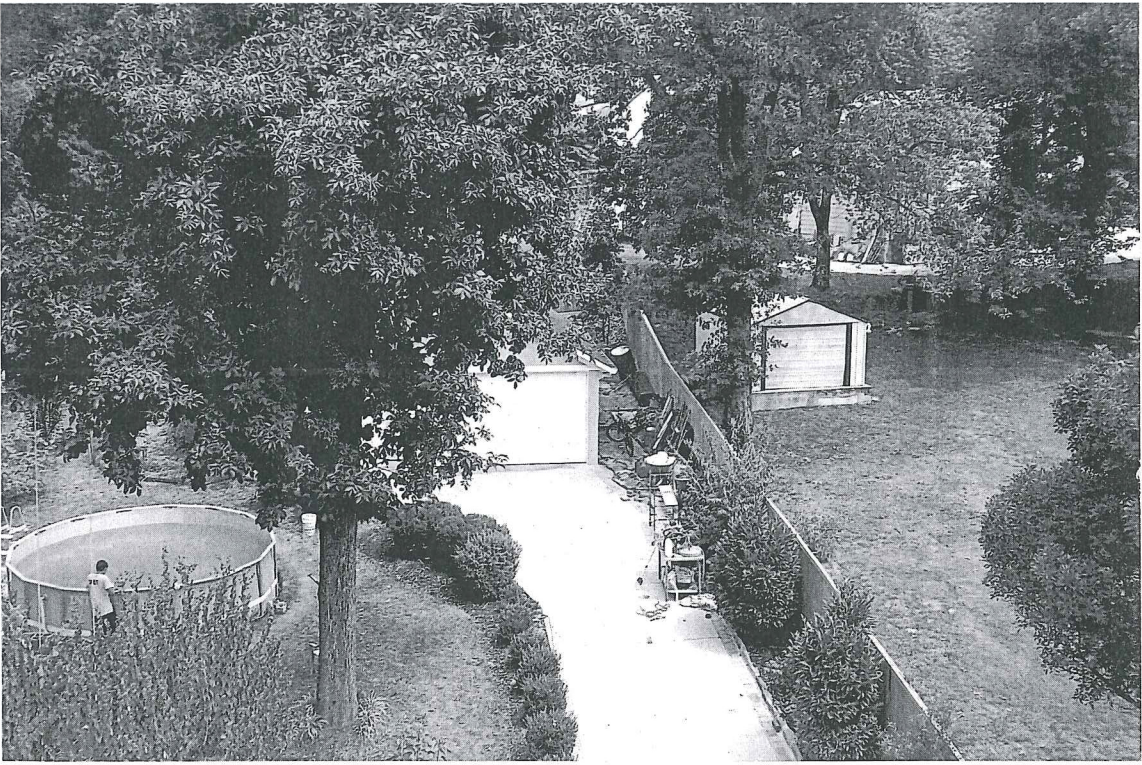


**ALEXANDRIA SURVEYS, LLC**

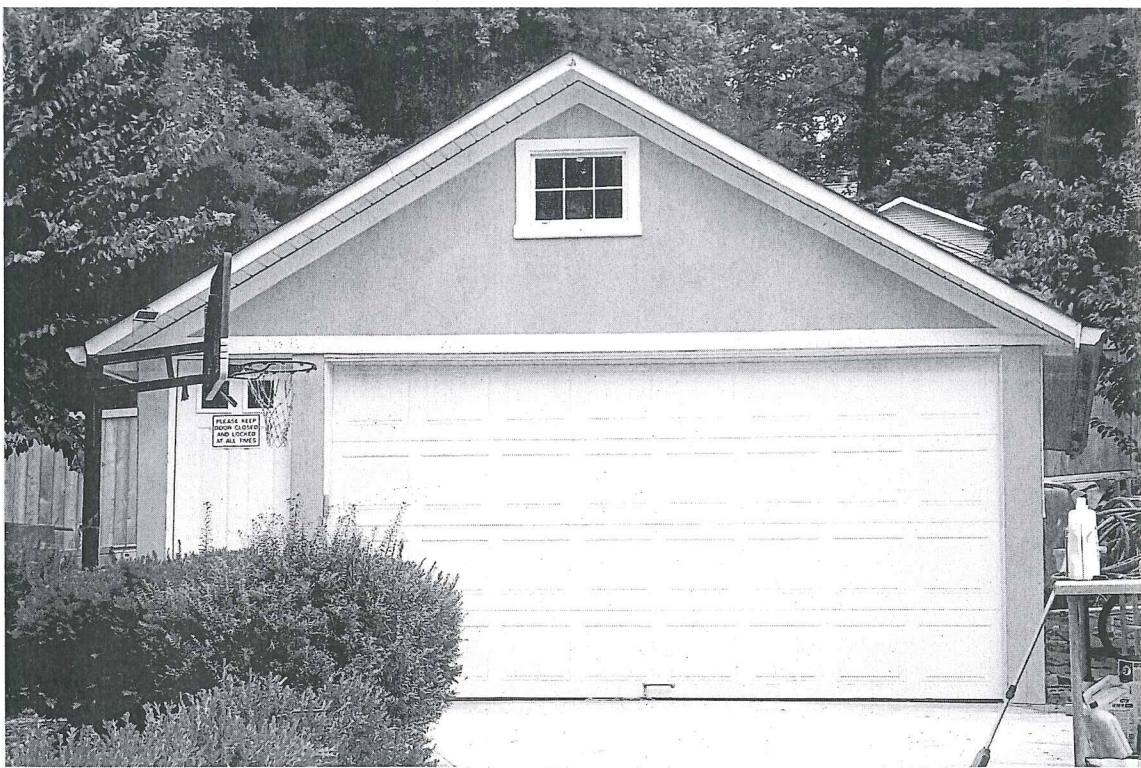
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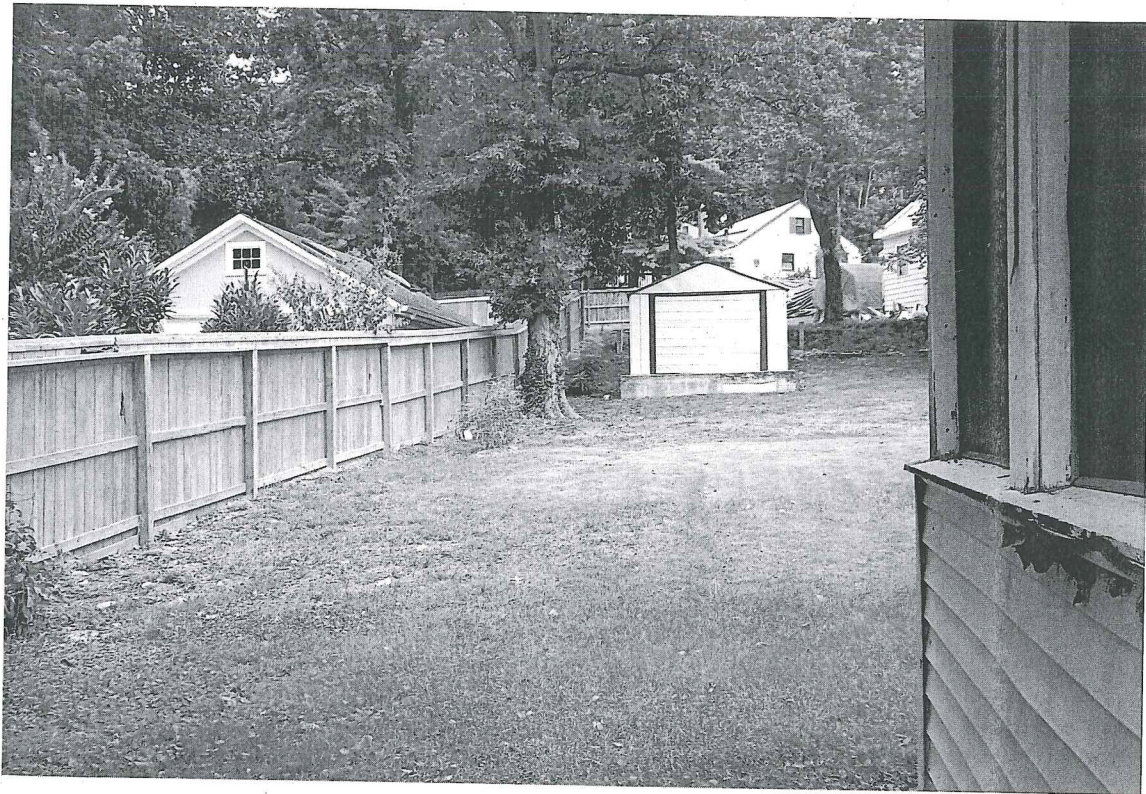




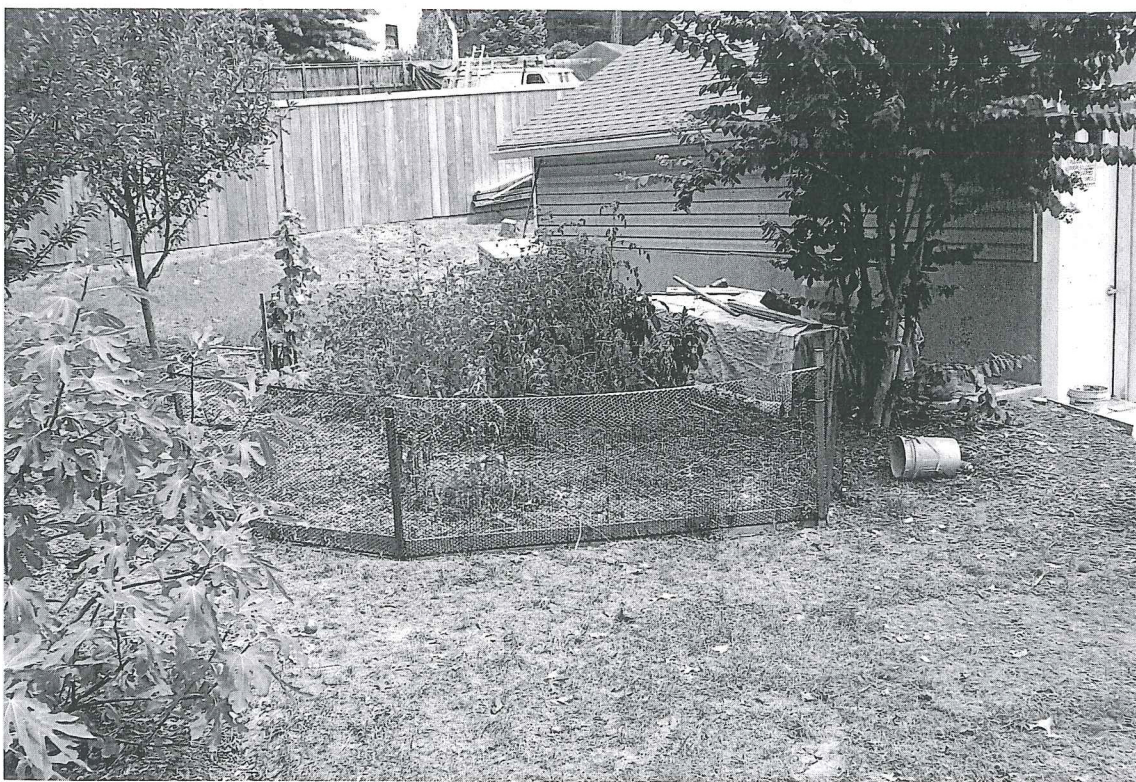
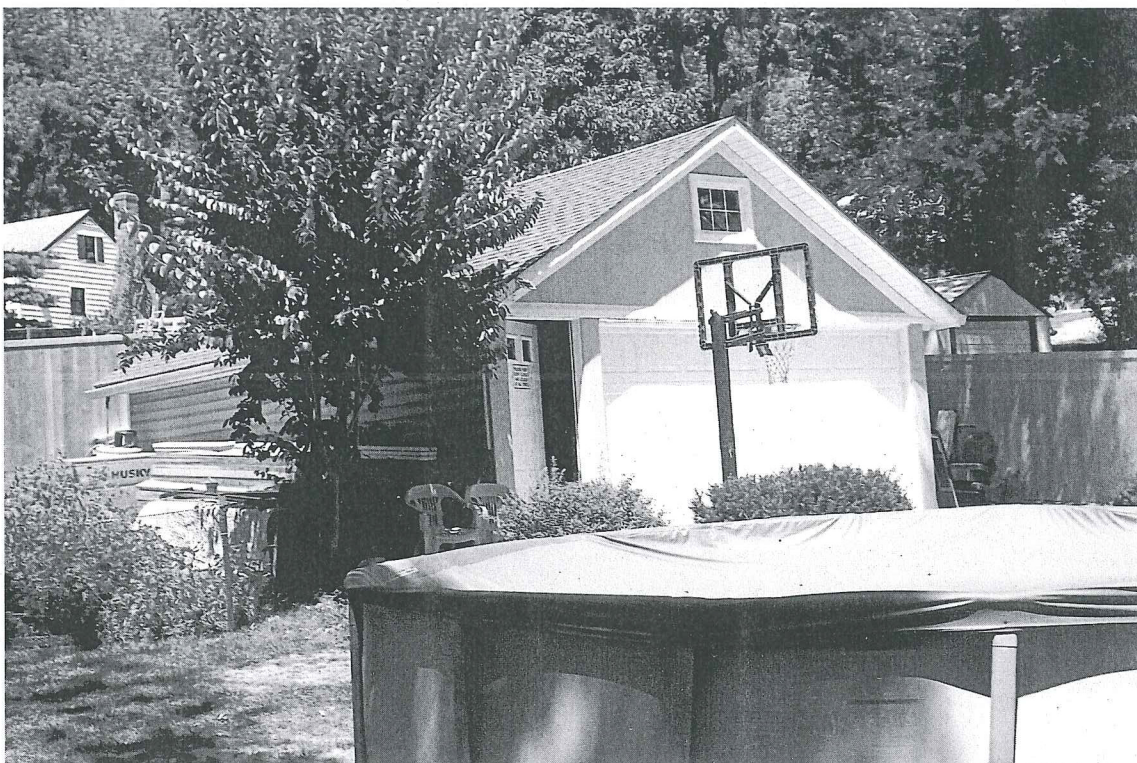












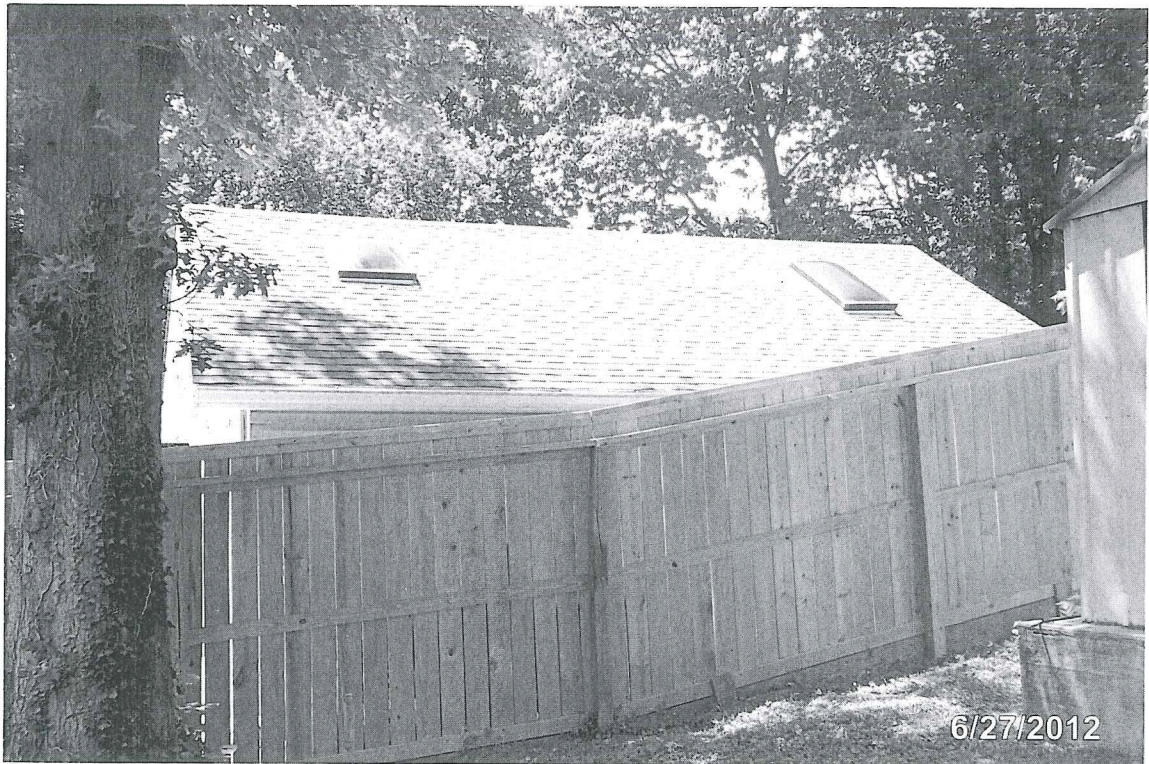














## DESCRIPTION OF THE APPLICATIONS

### Description of Special Permit Request

The applicant requests special permit approval for a reduction to the minimum yard requirements based on an error in building location to permit an accessory structure, a one-story detached garage, 14.8 feet in height, to remain 6.6 feet from the eastern side lot line and 11.8 feet from the rear lot line.

Section 10-104 of the Zoning Ordinance states the following:

- "D. No accessory structure or use which exceeds seven (7) feet in height shall be located in any minimum required side yard.
- E. No accessory structure or use which exceeds seven (7) feet in height shall be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line."

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit Request	Addition	Side	15.0 feet	6.6 feet	8.4 feet	56%
Special Permit Request	Addition	Rear	14.8 feet	11.8 feet	3.0 feet	20%

\*Minimum yard requirement per Section 3-207 and 10-104

### Description of Variance Request

The applicant is also requesting a variance to permit greater than twenty-five (25) percent front yard coverage. Section 11-102, Paragraph 8 of the Zoning Ordinance states that in the R-1 and R-2 Districts no more than 25 percent of any front yard shall be surfaced area for a driveway or vehicle/trailer parking area. The front yard surface area (concrete driveway) on this site measures 1,385 square feet or 48 percent of the front yard area (2,873 square feet).

## EXISTING SITE DESCRIPTION

The application property is zoned R-2, located in the Valley View subdivision, contains 14,000 square feet and is developed with a two- story, single-family detached dwelling constructed of stucco in 1950 and remodeled in 2006. Access to the site is provided from Spring Drive via an existing concrete circular driveway which also extends alongside the dwelling and into the rear yard and terminates at a detached one-story, two-car garage. Landscape islands are located within the front yard and mature vegetation is located throughout the site consisting of trees and shrubs. A wood fence surrounds the side and rear lot lines. The site is surrounded by single-family detached homes along all property lines.

## CHARACTER OF THE AREA

	Zoning	Use
North	R-2	Single family detached dwellings
South	R-2	Single family detached dwellings
East	R-2	Single family detached dwellings
West	R-2	Single family detached dwellings

## BACKGROUND

On May 25, 2012, the applicant was issued a Notice of Violation (NOV) which outlined that the location of an accessory structure (detached garage) was in violation of the Zoning Ordinance. On July 19, 2012, the applicant was issued an additional NOV which outlined that the paving in the front yard exceeded the requirements of the Zoning Ordinance. Copies of the violations are included as Appendix 5.

A copy of the submitted plat titled "Special Permit Plat on Lot 177, Valley View" prepared by Alexandria Surveys, LLC, dated June 25, 2012, as sealed on August 1, 2012, is included at the front of the staff report.

Following the adoption of the current Ordinance, the BZA has heard the following special permit and variance requests in the vicinity of the application parcel:

- Special Permit SP 2008-LE-027 was approved on September 9, 2008 for Tax Map 92-2 ((19)) 5, zoned R-2, at 3106 Collard Street, to permit reduction to minimum yard requirements based on errors in building locations to permit accessory storage structure to remain 3.0 feet from a side lot line and roofed deck to remain 22.5 feet from a front lot line and 10.3 feet from a side lot line.



- Variance VC 93-L-098 was approved on November 17, 1993 for Tax Map 92-2 ((19)) 17, zoned R-2, at 3300 Collard Street, to permit construction of accessory structure 6 feet from side and rear lot lines.
- Special Permit SPA 83-L-096 was approved on April 28, 1992 for Tax Map 92-2 ((19)) 78, zoned R-2, at 3208 Spring Drive, to amend SP 83-L-096 to permit change of use from garage to family room, multi-tiered deck and stairs to remain 0 and 1.7 feet from a side lot line and 0 feet from a rear lot line and accessory structure to remain 3.5 feet from a side lot line.

During review of the application staff informed the applicant that the location of an existing concrete patio located along the rear of the dwelling which extends into the western minimum required side yard was not permitted in its current location under Zoning Ordinance regulations. A minimum side yard setback of 15.0 feet is required in the R-2 District, with a permitted extension of 5.0 feet; therefore, approximately 2.0 feet of the concrete patio requires removal. In discussion with the applicant, he has committed to remove a portion of the concrete patio shown on the plat located approximately 8.0 feet from the western side lot line. A development condition has been included to address this issue.

#### **ZONING ORDINANCE REQUIREMENTS (See Appendix 6)**

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

- Sect. 8-006      General Special Permit Standards
- Sect. 8-903      Group 9 Standards
- Sect. 8-914      Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location
- Sect. 18-404      Required Standards for Variances

This special permit and variance are subject to Sects. 8-006, 8-903, 8-914 and 18-404 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the special permit must meet these standards.

#### **CONCLUSION**

If it is the intent of the BZA to approve these applications, staff suggests the BZA condition its approval by requiring conformance with the conditions set forth in Appendix 1 and Appendix 2 of this report, Proposed Development Conditions.

## **APPENDICES**

1. Proposed Special Permit Development Conditions
2. Proposed Variance Development Conditions
3. Applicant's Affidavits
4. Applicant's Statement of Justification
5. Notices of Violations
6. Applicable Zoning Ordinance Provisions



**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2012-LE-053**

**October 24, 2012**

1. This special permit is approved for the location of an accessory structure (detached one-story garage) as shown on the plat prepared by Alexandria Surveys, LLC, dated June 25, 2012, as sealed on August 1, 2012, as submitted with this application and is not transferable to other land.
2. The applicant shall obtain all applicable building and trade permits for the accessory structure (one-story garage) within 180 days of approval of this special permit application.
3. Notwithstanding what is shown on the special permit plat, the applicant shall remove a portion of the concrete patio so that it is located a minimum of 10.0 feet from the western side lot line to meet Zoning Ordinance requirements.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.



**PROPOSED DEVELOPMENT CONDITIONS**

**VC 2012-LE-004**

**October 24, 2012**

1. This variance is approved for the maximum size of the driveway located in the front yard (48% impervious surface) as shown on the plat prepared by Alexandria Surveys, LLC, dated June 25, 2012, as sealed on August 1, 2012, as submitted with this application and is not transferable to other land.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards including requirements for building permits.



Application No.(s):

SP 2012-LE-053

(county-assigned application number(s), to be entered by County Staff)

## SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

6/27/12

(enter date affidavit is notarized)

I, Jaime Reyes, do hereby state that I am an  
(enter name of applicant or authorized agent)

(check one)

☒

applicant

☐

applicant's authorized agent listed in Par. 1(a) below

116947

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS**, and **LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE**,\*\* each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

## NAME

(enter first name, middle initial, and last name)

## ADDRESS

(enter number, street, city, state, and zip code)

## RELATIONSHIP(S)

(enter applicable relationships listed in **BOLD** above)

Jaime O. Reyes

3426 Spring Dr, Alex. Va  
22306Applicant/Title  
owner

Elsa M. Reyes

3426 Spring Dr, Alex. VA  
22306

Title owner

(check if applicable)

☐

There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).



Application No.(s):

SP 2012-LE-053  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/27/12  
(enter date affidavit is notarized)

116947

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

N/A

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

N/A

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.  
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

N/A

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.



Application No.(s):

SP 2012-LE-053

(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

6/27/12

(enter date affidavit is notarized)

116947

- 1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

N/A

(check if applicable) ☐ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner**, **Limited Partner**, or **General and Limited Partner**)

N/A

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.



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Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/27/12  
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116947

1(d). One of the following boxes **must** be checked:

- ☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

N/A

- ☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

None.

- (check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.



Application No.(s):

SP 2012-LE-053

(county-assigned application number(s), to be entered by County Staff)

Page Five

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/27/12  
(enter date affidavit is notarized)

116947

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)**

None.

**(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)**

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

**WITNESS the following signature:**

(check one)

☐ Applicant

☐ Applicant's Authorized Agent

Jaime Reyes  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 27<sup>th</sup> day of June, 2012, in the State/Comm. of District of Columbia County/City of 1111

Kim Jackson  
Notary Public, District of Columbia  
My Commission Expires 9/14/2014

Kim Jackson  
Notary Public

My commission expires: \_\_\_\_\_



Application No.(s):

VC 2012-LE-004

(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

6/27/12

(enter date affidavit is notarized)

I, Jaime Reyes, do hereby state that I am an  
(enter name of applicant or authorized agent)

(check one)

☒  
☐

applicant

applicant's authorized agent listed in Par. 1(a) below

117547

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Jaime O. Reyes	3426 Spring Dr. Alex. Va 22306	Applicant/ Title owner
Elsa M. Reyes	3426 Spring Dr. Alex, VA 22306	THE owner

(check if applicable)

☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).



Application No.(s): VC 2012-UE-004  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/27/12  
(enter date affidavit is notarized)

117547

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

N/A

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.  
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

N/A

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.



Application No.(s): VC 2012 - LE - 004  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/27/12  
(enter date affidavit is notarized)

117547

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

N/A

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.



Application No.(s): VC 2012-LE-004  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/27/12  
(enter date affidavit is notarized)

117547

1(d). One of the following boxes must be checked:

- ☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

~~NONE~~

- ☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None.

~~NONE~~

- (check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.



Application No.(s): VC 2012-LE-004  
(county-assigned application number(s), to be entered by County Staff)

Page Five

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/27/12  
(enter date affidavit is notarized)

117547

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☐ Applicant

☐ Applicant's Authorized Agent

JAIME REYES

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 27<sup>th</sup> day of June 20 12, in the State/Comm. of DISTRICT OF COLUMBIA, County/City of                     

Kim Jackson  
Notary Public, District of Columbia  
My Commission Expires 9/14/2014

Kim Jackson  
Notary Public

My commission expires:

**Written Statement of Justification**

The error exceeds ten (10) percent of the measurement involved, and the noncompliance was done in good faith. My neighbor built a shed in the same location on her property and I decided to build a garage not knowing the setback. Such reduction will not impair the purpose and intent of this ordinance. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity. It will not create any unsafe conditions with respect to both other property and public streets. To force compliance with the minimum yard requirements would cause unreasonable hardship on me as the garage is already built. The reduction will not result in an increase in density or floor ratio from that permitted by the zoning district regulations.



RECEIVED  
Department of Planning & Zoning  
JUN 28 2012  
Zoning Evaluation Division



Statement of Justification:

6/7/12

Reyes Family  
3426 Spring Dr.  
Alexandria, VA

The error exceeds 25% of concrete which is the maximum amount of concrete allowed to have in a front yard, in the R-2 District. The driveway was built in good faith, when I moved to my house I had a gravel driveway and to change it up to make my yard look cleaner, neater, and safer for my children I decided to pave the front yard driveway with concrete. It will not detrimental to the use and enjoyment of other property in the immediate vicinity. It will not create any unsafe conditions to both other properties and public streets. It allows all cars to be in the driveway and out of the streets and it allows easier access ~~access~~ in and out the driveway because we live on right turn the dead end of Spring Drive. To force compliance with the yard requirements would cause unreasonable hardships on me as the driveway is all ready ~~already~~ paved.





# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

## NOTICE OF VIOLATION

**DATE OF ISSUANCE:** May 25, 2012

### SHERIFF'S LETTER

**CASE #:** 201202985 **SR#:** 82897

**SERVE:** Jamie Reyes  
Elsa Reyes  
3426 Spring Drive  
Alexandria, VA 22306

**LOCATION OF VIOLATION** 3426 Spring Drive  
Alexandria, VA 22306-1451  
Tax Map #: 92-2 ((19)) 177  
Zoning District: R-2

Dear Property Owners:

An inspection of the above referenced property on May 21, 2012, revealed the following violations of the Fairfax County Zoning Ordinance.

**§ 10-104 (12E) Accessory Structure Location**  
**§ 2-302 (6) Accessory Use must comply with Article 10:**

The presence of an accessory structure which measured approximately fifteen feet (15') in height, is approximately 416 square feet in area and is located approximately 7'7" and approximately 12'6" respectively from the side and rear lot lines.

The Fairfax County Zoning Ordinance permits accessory structures to be located in minimum required yards; however, if the structure exceeds seven (7) feet in height, it must be located on the lot so as to comply with Par. 12E of Sect. 10-104 of the Zoning Ordinance which states:

No accessory structure or use which exceeds seven (7) feet in height shall be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

Department of Code Compliance  
12055 Government Center Parkway, Suite 1016  
Fairfax, Virginia 22035-5508  
Phone 703-324-1300 FAX 703-324-9346  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)



The minimum required side yard distance in the R-2 District is 15 feet as detailed in Par.2 A(1) of Sect. 3-207 of the Zoning Ordinance.

Therefore, as this accessory structure exceeds seven (7) feet in height and is not located in accordance with the provisions of Par. 12E of Sect. 10-104 above, it is in violation of Par. 12E of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

**You are hereby directed to clear this violation within thirty (30) days of the date of this Notice.** Compliance can be accomplished by:

- Removing the accessory structure from the property in its entirety;  
or
- Reducing the height of the structure to seven (7') feet in height or less to allow it to remain at its present location; or
- Relocating the structure to a distance from the rear and side lot lines in accordance with Par. 12E of Sect. 10-104 of the Zoning Ordinance as outlined above.

**As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Group 9 Special Permit for an error in building location to allow the accessory structure to remain at its present height and at its present location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.**

---

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions.

**You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days.** Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Jamie Reyes  
Elsa Reyes  
May 25, 2012  
Page 3

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1317 or (703)324-1300.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Stallings". The signature is fluid and written in dark ink.

Nancy Stallings  
Code Compliance Investigator





# County of Fairfax, Virginia

Return Copy

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

## NOTICE OF VIOLATION

DATE OF ISSUANCE: July 19, 2012

### SHERIFF'S LETTER

CASE #: 201202985 SR#: 82897

**SERVE:** Jamie Reyes  
Elsa Reyes  
3426 Spring Drive  
Alexandria, VA 22306

**LOCATION  
OF VIOLATION** 3426 Spring Drive  
Alexandria, VA 22306-1451  
Tax Map #: 92-2 ((19)) 177  
Zoning District: R-2

Dear Property Owners:

An inspection of the above referenced property on May 21, 2012 and July 2, 2012, revealed the following violations of the Fairfax County Zoning Ordinance.

### **§ 11-102 (8) Paving In the Front Yard**

The inspection revealed that you have paved or caused to be paved approximately 1,325 square feet of the front yard of the above described property. A driveway is a permitted accessory use on this property, per Par. 15 of Sect. 10-102 of the Fairfax County Zoning Ordinance. However, surface coverage, consisting of asphalt, concrete, or gravel in any front yard is limited in the R-2 District to 25% of the front yard, or in this case approximately 717.5 square feet.

Therefore, the excessive paving on this property is in violation of Par. 8 of Sect. 11-102 of the Fairfax County Zoning Ordinance that states, in part:

...For single family detached dwellings on lots containing 36,000 square feet or less in the R-1, R-2, R-3, and R-4 Districts, all parking for vehicles or trailers in a front yard shall be on a surfaced area; provided, however, that this shall not be deemed to preclude

---

Department of Code Compliance  
12055 Government Center Parkway, Suite 1016  
Fairfax, Virginia 22035-5508  
Phone 703-324-1300 FAX 703-324-9346  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)

temporary parking on an unsurfaced area in a front yard for a period not to exceed forty-eight (48) hours for loading, unloading, cleaning, or repair of vehicles or trailers. In addition, in the R-1 and R-2 Districts, no more than twenty-five (25) percent of any front yard and in the R-3 and R-4 Districts, no more than thirty (30) percent of any front yard shall be surfaced area for a driveway or vehicle/trailer parking area; provided, however, that these limitations may be exceeded for a surfaced area that is:

- A. Directly contiguous with and providing primary access, to two side-by-side parking spaces, as long as the surfaced area is not more than twenty-five (25) feet long and eighteen (18) feet wide; and
- B. On a lot which has its primary access, from a major thoroughfare and consists of two side-by-side parking spaces, and a vehicular turn-around area as long as the surfaced area is not more than twenty-five (25) feet long, eighteen (18) feet wide, and the turn-around area does not exceed 150 square feet; or
- C. Provided as an accessibility improvement as approved by the Zoning Administrator.

Surfaced area shall include: asphalt, poured or precast concrete, brick, stone, gravel, or any other impervious surface, or grasscrete or other similar pervious surface. On a pipe stem lot, the surfaced area within the pipe stem driveway shall not be included in this limitation.

Except as may be qualified elsewhere in this Ordinance, parking structures and carports shall be subject to the minimum yard requirements applicable in the zoning district in which located; except parking structures that are completely underground may be located in any required yard, but not closer than one (1) foot to any lot line.

**You are, hereby, directed to clear the violation within thirty (30) days of the date of this Notice.** Compliance can be accomplished as follows:

- Reducing the excess driveway area, on this property, so that there is no more than 25% surface area coverage of the front yard, and
- Restoring the front yard area where the driveway is to be reduced with ground cover to prevent erosion and sediment loss.

---

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions.



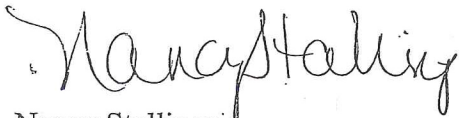
Jamie Reyes  
Elsa Reyes  
July 18, 2012  
Page 3

**You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days.**

Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1317 or (703)324-1300.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Stallings". The signature is written in dark ink and is positioned above the printed name and title.

Nancy Stallings  
Code Compliance Investigator

## **8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.



### **8-903 Standards for All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914

**Provisions for Approval of Reduction to the Minimum Yard Requirements  
Based on Error in Building Location**

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 1/2" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
  - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
  - H. If applicable, the location of well and/or septic field.
  - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. Seal and signature of professional person certifying the plat.



In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
  - A. The error exceeds ten (10) percent of the measurement involved, and
  - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
  - C. Such reduction will not impair the purpose and intent of this Ordinance, and
  - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
  - E. It will not create an unsafe condition with respect to both other property and public streets, and
  - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
  - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

**18-404 Required Standards for Variances**

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
  - A. Exceptional narrowness at the time of the effective date of the Ordinance;
  - B. Exceptional shallowness at the time of the effective date of the Ordinance;
  - C. Exceptional size at the time of the effective date of the Ordinance;
  - D. Exceptional shape at the time of the effective date of the Ordinance;
  - E. Exceptional topographic conditions;
  - F. An extraordinary situation or condition of the subject property; or
  - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
  - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the subject property, or
  - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.

**18-405 Conditions**

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.